

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DANIEL JOHN HUTCHINS,

Plaintiff,

v.

BROCK SIMMONS, *et al.*,

Defendants.

Case No. 23-cv-13224

Honorable Susan K. DeClercq

Magistrate Judge Elizabeth A. Stafford

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**ORDER DENYING PLAINTIFF'S MOTION FOR THE COURT TO ISSUE  
A DISCOVERY SUBPOENA (ECF NO. 39)**

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Plaintiff Daniel John Hutchins, a pro se prisoner of the Michigan Department of Corrections, moves for the Court to issue a discovery subpoena for non-party Michigan State Police (MSP) to produce various records. ECF No. 39. The Honorable Susan K. DeClercq referred the case to the undersigned to resolve all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 48.

Hutchins may seek records from the MSP by subpoena to produce documents under Federal Rule of Civil Procedure 45(a)(1)(D). Under Rule 45(a)(3), "The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before service."

Hutchins may seek the subpoena “in the manner provided in the above court rule[,] but the court will not issue the subpoenas or grant his motion to issue subpoenas absent some indication that [he] properly sought the relevant subpoenas” from the clerk’s office. See *Anthony v. Owen*, No. 07-10351, 2012 WL 691756, at \*2 (E.D. Mich. Mar. 1, 2012); see also *Wagle v. Mich. Dep’t of Corr.*, No. 10-CV-10506, 2012 WL 4795638, at \*2 (E.D. Mich. Oct. 9, 2012).

Thus, Hutchins’s motion for the Court to issue a subpoena is **DENIED.**

s/Elizabeth A. Stafford  
ELIZABETH A. STAFFORD  
United States Magistrate Judge

Dated: June 23, 2025

### **NOTICE TO PARTIES ABOUT OBJECTIONS**

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling**

**remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.” E.D. Mich. LR 72.2.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 23, 2025.

s/Julie Owens  
Julie Owens  
Case Manager